

**PLANNING AND ZONING COMMISSION  
MINUTES  
GENERAL MEETING  
January 11, 2005**

Place: Room 206  
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:  
Damanti, Bigelow, Spain, Kenny, Conze, Forman

STAFF ATTENDING: Ginsberg

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**GENERAL MEETING**

*Discussion, deliberation and possible decision on the following:*

**Special Permit Application #66-J, Darien YMCA, 2420 Boston Post Road.** Proposing to replace existing racquetball and squash courts with group exercise rooms; replace and upgrade mezzanine in Wellness Center; enlarge and upgrade parking lot; amend operating hours; and perform related site development activities. Subject property is located on the south side of Boston Post Road, approximately 520 feet east of its intersection with Weeds Landing, and is shown on Tax Assessor's Map #53 as Lot #60, R-1/2 Zone.

Mr. Spain, noting the length of the draft resolution, and the fact that Commission members received it on Friday and have had time to review it, made a motion not to have a full reading of the draft resolution aloud, but the Commission should only read areas of importance and concern. Mr. Kenny seconded that motion, which passed by a vote of 6-0.

Mr. Ginsberg noted that paragraphs 28-31 in the draft resolution address the proposed hours of operation; paragraphs 1-8 and A-F address the proposed interior alterations; and paragraphs 17-27 and G-R address proposed changes to the parking lot.

Mr. Conze questioned why the draft resolution contains an approval of 28 parking spaces, rather than the 50 requested by the YMCA. Mr. Bigelow answered that in his opinion, the data supplied by the YMCA did not fit what they were asking for, and that the data provided indicated a need for fifteen to sixteen more spaces with the exception of Special Events. Mr. Damanti agreed with Mr. Bigelow that the traffic/parking study did not bear out the need for 50 additional parking spaces.

Mr. Spain stated that Special Events at the YMCA require special procedures (i.e. traffic control officers to control traffic) and that there should be a greater use of the YMCA facility if interior renovations are completed. Mr. Spain stated the two main issues with regard to the increased parking were safety and the fact that the YMCA is a Special Permit use in a residential zone. Improving the YMCA facility would require more parking to accommodate the likely increased use of the YMCA, and for safety in not having cars parked out on Boston Post Road, and that it was imperative that something be done about this safety issue. The Commission should require the YMCA to have a two year period of monitoring the use of the parking lot by a professional

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organization and then policing the parking lot themselves. Programs must be cut back if it causes a parking overflow. Mr. Spain said that if the Commission approves the interior changes and does not approve the changes to the parking lot, this does not make sense and would be shortsighted on the part of the Commission, since the YMCA should not increase activities without increasing parking.

Mr. Damanti then added that, in his opinion, the YMCA has reached capacity at their site for now. What happens in ten years? Ten years ago, the Commission had decided that the YMCA had reached their capacity then. This is putting more demands on the residential neighborhood they are located in. He then cited "Special consideration is given to immediate neighborhood" which was in the original resolution approved by the Commission. He also read aloud from Section 1005 of the Darien Zoning Regulations, and brought up the point that some people will always park wherever they want, no matter what, and cited example of churches on Boston Post Road, who have ample parking during church services, but that people still park out on Boston Post Road. Mr. Damanti believed that the YMCA should be enforcing these parking violations themselves and that the Commission was trying to micro-manage this situation.

Mr. Bigelow stated that the YMCA is a dynamic organization that keeps changing and that we as a community have to keep changing with them. He believes that the twenty-eight spaces is also more sensitive to the neighbors than the fifty originally requested. He also believed that the interior changes may not have a significant impact.

Mr. Spain then reiterated that the Commission should put the onus on the YMCA to self-regulate itself and prevent the unsafe parking out on Boston Post Road and that they absolutely cannot exceed their parking limitations. They must definitely enforce this.

Mr. Kenny stated that in his opinion, there was a lot contrary in the draft resolution from what Commission members agreed on at the last meeting. It was noted that the "majority opinion" was written up after the meeting last Tuesday. Mr. Bigelow looked at these plans and thought that a lesser number of parking spaces than the original request of fifty was better for all concerned.

In response to a question from Mr. Conze, Mr. Ginsberg mentioned that Trader Joe's recently received approval from the Commission for more parking without increasing its building size, to which Mr. Damanti replied that Trader Joe's is not in a residential area.

Mr. Conze said again that in his opinion, the Commission was protecting the YMCA's neighbors at the cost to the public safety by preserving the setbacks for the immediate neighbors, and that the Commission should not do this. Mr. Damanti then responded that "intensity of use" is the issue, and not "protecting setbacks".

Mr. Kenny stated, regarding intensity of use, that the proposed reconfiguration of the facility was not to increase usage, but to better use and add more space, since some of this was underutilized space which can better be used to spread out gym equipment, as well as spread out the timing of programs through the day. The basic issue really is that the YMCA has the right to utilize their property beyond what the Commission allows them and that they need more parking whether they reconfigure or not. Mr. Conze agreed that the safety issue is the primary concern and that everyone should park in the YMCA parking lot and not out on the Boston Post Road.

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Mr. Damanti brought up the fact that regarding “intensity of use”, that the YMCA should move children’s activities to another site if there is a safety issue here. If the YMCA is not being “over intensified”, then what is it?

Mr. Kenny noted that the YMCA has utilized buffering, higher fences, setbacks, landscaping, etc. and have placated the neighbors. He believed that Mr. Spain’s proposed parking/traffic plan conditions are onerous. Mr. Kenny and Mr. Spain agreed that the parking lot should be increased from one hundred forty-six (146) to one hundred ninety-six (196) spaces and that they should be allowed to build out to the maximum of what property will support. Mr. Bigelow added that there should be conditions placed on the YMCA to manage this parking or face a Cease and Desist Order.

Mr. Ginsberg then noted the following paragraphs on the draft resolution would need to be changed if the Commission was to approve the request for 196 parking spaces rather than 146 parking spaces in the draft resolution: Paragraph 20 changed; Paragraph 21 deleted; Paragraph 22 modified; Paragraph H changed; Paragraph I deleted; Paragraph L delete last sentence; Paragraph U changed; and incorporation of the proposed conditions on pages 11 and 12. There was some discussion on the proposed second curb cut. The YMCA will have to confer with D.O.T. and the local police department must be involved with this – they must know what purpose/reason for a traffic light or any other change. Mr. Spain suggested that the YMCA draw up a traffic/parking plan and submit it to Mr. Ginsberg for review.

There was then a motion by Mr. Bigelow to approve the internal modifications of YMCA. That motion was seconded by Mr. Kenny. The interior modifications were approved by a vote of 6-0.

There was then a motion to approve the increase to 196 parking spaces for YMCA facility with stipulations and modifications as drafted. Mr. Kenny made a move to change and modify the draft accordingly, and make appropriate changes to specified setbacks that have been identified. This includes a number of changes to various paragraphs, and adding Paragraph U, changes to parking plan if curb cut not approved by the State of CT DOT, and clarification that this should not hold up the start of the building modifications.

Mr. Spain moved to approve this part of the resolution. Mrs. Forman seconded. The vote was 4-2 with Mrs. Forman and Mr. Damanti opposed for the parking lot expansion.

Mr. Bigelow then made a motion to NOT approve new hours of operation at YMCA facility. Mr. Kenny seconded that motion. Commission members unanimously voted in favor of DENYING the request for additional hours, by a vote of 6-0.

The final adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
JANUARY 11, 2005**

Application Number: Special Permit Application #66-J

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Tax Assessor's Map # 53 Lot #60

Name and Address of  
Property Owner: The Darien Young Men's Christian Association (YMCA)  
2420 Post Road  
Darien, CT 06820

Name and Address of Applicant: Robert F. Maslan, Jr., Esq.  
And Applicant's Representative: Maslan Brown & Associates, LLP  
9 Old King's Highway South  
Darien, CT 06820

Activity Being Applied For: Proposing to replace existing racquetball and squash courts with group exercise rooms; replace and upgrade mezzanine in Wellness Center; enlarge and upgrade parking lot; amend operating hours; and perform related site development activities.

Property Location: The subject property is located on the south side of Boston Post Road, approximately 520 feet east of its intersection with Weed's Landing.

Zone: R-1/2

Date of Public Hearing: October 5, 2004 continued to October 12, 2004  
continued to November 9, 2004

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: September 23, 2004  
October 1, 2004

Newspaper: Darien News-Review  
Norwalk Hour

Date of Action: January 11, 2005

Action:

The application is granted in part and denied in part as follows:

INTERIOR MODIFICATIONS TO EXISTING BUILDING—  
GRANTED WITH STIPULATIONS;  
PARKING LOT CHANGES—  
GRANTED IN PART WITH STIPULATIONS;  
HOURS OF OPERATION—  
DENIED

Scheduled Date of Publication of  
Action: January 20, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

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- the proposed use and activities must comply with all provisions of Sections 400 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use is described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

**Background**

1. The Commission finds that the subject YMCA application consists of three separate but related requests:
  - a. ***Interior changes to the building:*** replace existing racquetball and squash courts with group exercise rooms and replace and upgrade mezzanine in Wellness Center;
  - b. ***Changes to the parking lot:*** enlarge and upgrade parking lot;
  - c. ***Hours of Operation:*** amend operating hours.
2. In 1995, in Special Permit Application #66-I, the Planning and Zoning Commission denied in part, granted in part and granted in part with stipulations, the YMCA request to construct an addition and expand the parking area. As a result of an appeal of that decision by the YMCA, and subsequent negotiations, there was a Stipulated Judgment dated October 16, 1995. This application is basically a request for an amendment of that Stipulated Judgment, and seeks to change that previous agreement. It is noted that the applicant has the right to apply for an amendment to their prior Special Permit, (an amendment of that Stipulated Judgment), and the Planning and Zoning Commission must weigh said application on its merits.
3. The Architectural Review Board approved the design to add new windows in the sloped roof of the Wellness Center on September 27, 2004. That approval is hereby incorporated by reference.
4. It is specifically noted within the application materials that "...[t]he proposed modifications are not designed to increase membership." (application narrative page 2). The requested changes are in response to desires and needs expressed by the existing membership. The current limits on membership as a result of prior applications and the Stipulated Judgment are still in full force and effect. There is no proposal to adjust the existing membership limit as part of this application.
5. Some Commission members believe that the maximum development potential of the site has been reached or exceeded, and that the YMCA cannot accommodate any more activity on-site, and the fact that parking needs exceed current available on-site parking spaces reflects the fact that either some intensity of use needs to be reduced and/or activities need to be moved off-site. A majority of the Commission members believe otherwise. The entire Commission acknowledges that in the past ten years, the gymnastics program and the weekly meetings of the

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Senior Men's Association have been moved off-site, which has relieved some of the intensity of use on the property and reduced the frequency and number of YMCA patrons parking on the Boston Post Road and/or nearby properties.

6. The 1995 Stipulated Judgment very specifically allows the YMCA to have a certain number of Special Events per year. In addition, the YMCA has events and activities that may draw large groups of people, which may not be considered Special Events (as specifically defined in the Stipulated Judgment). These events, in conjunction with the day-to-day activities at the YMCA, create high parking demand times at the facility, and during those times, on-site parking is not sufficient. The Commission acknowledges that there are a number of Special Events throughout the year, each of which draws over 100 people. During those times, as well as at peak demand times during regular operations, the existing on-site parking is clearly not sufficient.
  7. The Commission heard evidence at a number of public hearing nights, and deliberated on that evidence on both November 23, 2004 and January 4, 2005.
  8. For the purposes of this resolution, each of the three YMCA requests that are part of this application is treated separately:
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9. ***Interior Changes to the Building:*** The proposal is to reconfigure an existing multipurpose area by eliminating the existing high ceiling racquetball and squash courts and adding a new level, creating a 1,620+/- square foot weight room and a 1,400+/- square foot spinning studio at the basement level, and two aerobic studios on the main level. Also, part of the request is to elevate and enlarge an existing mezzanine level, which is part the Wellness Center, an exercise facility. The footprint of the existing building is not proposed to change, but new floor space will be added.
  10. The applicant demonstrated at the public hearings that the proposed upgraded, expanded and reconfigured facilities within the existing space in its building are consistent with its traditional activities and operations and will be responsive to the current needs of its members and the community, particularly in the areas of fitness, exercise and rehabilitation. The applicant's representatives also demonstrated that the proposed renovations inside the building likely would result in an increased use of its facilities by members and program participants in the newly reconfigured space. At the same time they assured the Commission members that the added new floor space, new programs, and increased participation would not result in their potentially enlarged parking areas once again becoming insufficient to satisfy demand. They gave the Commission assurances during the hearings that their new and/or expanded programs, together with their existing and ongoing programs, would not result in their operations and uses having a significantly greater impact upon the surrounding residential neighborhood. Nor, they further assured, would the increased participation in the new programs result in an increase in parking demand on its property such that the requested expanded on-site parking spaces would once again become insufficient. They also gave assurances that, going forward, their program planning and scheduling would be managed in such a way so as to limit their program participants' demand for parking to levels that can be accommodated within the space applicant has available on its property at all times during its operating day.

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11. The applicant has made a showing that its programs frequently and regularly have been and are resulting in the available parking spaces on its property being filled to capacity, and also that overflow parking on nearby streets, particularly Boston Post Road, is a regular result. This condition has created an unacceptable safety hazard. The applicant also has shown that its proposed increase of the parking spaces on its property, and its proposed changes in the driveways in and out of its facility will significantly reduce the overflow problem and will result in a safer and more controlled flow of traffic in and out of its property.
  12. In the application materials, and at the public hearing, the applicant explained that “[t]he objective of the renovations is to alleviate congestion during certain times...” (quote from application narrative page 2). There will also be more space between exercise machines as a result of this plan. YMCA representatives testified that by spreading out equipment, use of the YMCA facilities will be safer than existing conditions. It will give YMCA members more room to exercise and work out.
  13. In response to concerns expressed by the neighbors, the applicant explained that the YMCA is willing to eliminate the proposed windows from the eastern side of the building.
  14. Commission members find that these changes to the interior of the existing building are not likely to intensify the use of the building to the point that the capacity of the proposed expanded parking lot would be exceeded. They so find in part in reliance upon the applicant’s assurances, that any expanded use and corresponding increased parking demand can and will be managed so as to prevent such an overflow. They understand that racquetball and squash may no longer be popular amongst YMCA members, and that the YMCA is responding to the desires of its membership.
  15. The nature of the proposed changes to the interior of the building are such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
  16. The location and the nature and intensity of the proposal conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
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17. ***Changes to the parking lot:*** The proposed parking lot expansion would add fifty parking spaces on the property, an increase from 146 spaces to 196 spaces. Landscaping and a new stockade/board fence will create/enhance the buffer between the parking area and the neighboring properties to the east.
  18. This part of the application also includes a proposal for an additional curb cut on Boston Post Road. This would change the existing curb cut from two-way 35 feet wide, to one-way 24 feet wide, entrance only (two lanes). The new curb cut is proposed approximately 135 feet to the east of the existing curb cut, and would be a one-way exit only, 24 feet wide (two lanes).
  19. The proposal is to add parking spaces on the east side of the property, while making other improvements throughout the parking lot. An easement to a sewer pumping station will continue to be in effect and would be accommodated through a portion of the proposed expanded space in the parking lot.

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20. The submitted plans show that the existing parking lot has its nearest row of parking 130 feet from the east property line, and 70 feet from the west property line. The submitted plans show a proposal for the nearest row of parking to be 45 feet from the east property line (no changes to the west side of the property). It is acknowledged that Section 906.6 of the Darien Zoning Regulations allow parking for Special Permit uses to be as close as 25 feet to a property line.
21. The submitted Parking Study Plan last revised July 21, 2004 shows the proposed planting of 14 trees--nine 10-12' high White Pines; two 8-10' high Norway Spruce, three Red Sunset Maples of 2 1/2-3" caliper--all to be placed between the parking lot and the eastern property line. These fourteen substantial trees, along with the proposed eight foot high fence and the trees which already exist in that vicinity, are intended to provide a landscaped buffer between the properties to the east, and the closest row of parking 45 feet away from the eastern property line.
22. The Commission accepts the testimony of Donald Tone, PE, who said that at peak times there are not enough parking spaces on the site to accommodate all the members wishing to utilize the YMCA facilities. At peak times, cars are frequently parked on the grass, in non-parking areas, on the Boston Post Road, and in fire lanes designated within the paved portions of the site. The Chart entitled, "Darien YMCA Parking Demand Study Parking Lot Occupancy for Typical Weekday and Weekend Period", shows a peak of 150 vehicles on a Wednesday morning, and a peak of 129 on a Saturday morning. The Chart entitled, "Darien YMCA Parking Demand Study Parking Lot Occupancy for Typical Weekday Afternoon Period Wednesday October 20, 2004", shows an afternoon peak of 174. The Chart submitted entitled, "Darien YMCA Parking Demand Study Parking Demand for Stepping Up Ceremony" shows a peak of 190 vehicles. The Commission believes that the Stepping Up Ceremony is a Special Event. There is a limit on the number of Special Events per year, and the Commission acknowledges that parking will not be adequate during those times, and some on-street parking may be necessary, along with special traffic patrol officers.
23. The Commission acknowledges that whether they approve all, part, or none of the parking lot expansion request, that for certain occasions such as Special Events, there will not be enough parking on-site. In those cases (15-25 times per year), the YMCA must continue to hire a traffic patrol officer, and to make special arrangements to minimize other programs, formal exercise classes, and activities on the premises.
24. The Commission heard testimony that on many occasions, vehicles park on Boston Post Road due to the lack of on-site parking. This includes caregivers with children, who must unload the children from the vehicles on a very busy road. The testimony was clear and undisputed that this is both an undesirable and unsafe situation. The Commission will be giving a copy of this resolution to the State of Connecticut DOT, the Darien Police Department and the State Traffic Commission, noting that they should consider the possibility of not allowing parking on the Boston Post Road in front of the YMCA except during Special Events (when special traffic patrol officers are on duty).
25. The nature of the proposed changes, along with the specific modifications required within this resolution, are such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.



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26. With the specific modifications required within this resolution, the location and the nature and intensity of this part of the applicant's proposal conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

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27. **Hours of Operation:** The YMCA's existing operating hours are from 6:30am – 10pm on weekdays; 7:45am – 7:00 pm on Saturdays, and noon to 6pm on Sundays. Up to 25 high-school aged swim team members may arrive at 5:30 am, and they can start at 5:45 am. These hours were very specifically established in Paragraphs J and L in the October 1995 Stipulated Judgment. The applicant proposes to extend the hours for the entire membership to 5:30am-10pm on weekdays; (no change in Saturday hours); and 8am-6pm on Sundays. The effect of this proposal is to open one hour earlier for the entire membership on weekdays, and four hours earlier on Sundays.

28. At the public hearing on this matter, the applicant expressed a need to have earlier hours to accommodate the needs and desires of the membership.

29. During the public hearing, the Commission heard detailed testimony regarding the impact of existing early opening at the YMCA, and the potential that longer hours may have on the neighborhood. The neighbors of the YMCA explained that early hours bring vehicles, vehicle lights, and other noise as early as 5:30 a.m. weekdays, and at 8:00 a.m. on Sundays. YMCA staff may need to arrive even earlier to prepare for and open up for the members.

30. The Commission acknowledges that the membership of the YMCA may be desirous of earlier opening hours. However, the YMCA is a Special Permit Use located in a residential zone and is surrounded by single-family residences. The Commission members unanimously believe that the nature and intensity of the early morning opening for the YMCA's general membership would not be in harmony with the appropriate and orderly development of the district, and that proposed increase in intensity of use for additional early morning hours on both weekdays and on Sundays would not be in harmony with the neighborhood. Thus, the Commission cannot make the required finding under Section 1005a of the Darien Zoning Regulations. The existing hours as outlined within the Stipulated Judgment shall therefore remain in full force and effect.

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NOW THEREFORE BE IT RESOLVED that Special Permit Application #66-J is hereby GRANTED IN PART AND DENIED IN PART subject to the foregoing and following stipulations, modifications and understandings:

**The Commission GRANTS WITH STIPULATIONS the first request:**

**Interior changes to the building:** replace existing racquetball and squash courts with group exercise rooms and replace and upgrade mezzanine in Wellness Center;

**The Commission GRANTS IN PART WITH STIPULATIONS the second request:**

**Changes to the parking lot:** enlarge and upgrade parking lot;

**For the reasons mentioned in the findings above, the Commission DENIES the third request:**

**Hours of Operation:** amend operating hours.

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- A. Interior modifications and changes to the building shall be in conformance with the plans entitled:
- Darien YMCA, Elevations – Proposed Wellness Center, by Butler Rogers Baskett, scale 1"=16', dated 08/20/04.
  - Darien YMCA, Existing Ground Floor Plan, by Butler Rogers Baskett, scale 1"=16', dated 08/20/04.
  - Darien YMCA, Proposed Wellness Center Plans, by Butler Rogers Baskett, scale 1"=16', dated 08/20/04.
- B. The submitted plans show that the mezzanine of the Wellness Center would have only one stairway down from that mezzanine. The issue of whether one staircase is satisfactory for egress purposes is for the Building Official and Fire Marshal to determine. If they determine that a second stairway is needed to meet either the Building Code or the Fire Code, revised plans shall be submitted to the Planning & Zoning Department for the file in this matter. Although the Planning and Zoning Commission recommends a second stairway, the ultimate decision will be up to the Building Official and Fire Marshal.
- C. Although very specific equipment layouts were submitted for the Weight Room, Spin Studio and proposed Wellness Center (both Ground Level and Mezzanine Level), the Commission only approves those specific uses for those rooms. The Commission does not restrict or specify a specific location for the placement of exercise equipment, although the location of equipment was shown on various plans presented to the Commission.
- D. In order to eliminate glare impacts to adjacent and nearby properties, the Commission hereby requires that plans be amended to eliminate any and all windows on the east side of the building. Also, in order to eliminate potential light and glare impacts, drapes, blinds and/or curtains shall be installed on the swimming pool room by May 30, 2005. This requirement is consistent with representations made by the applicant that the YMCA would be willing to implement this improvement.
- E. During the public hearing, and in the application materials, the applicant presented a very specific use of the mezzanine. The applicant has assured the Commission that the specific use will not result in any parking issues. As noted above, any proposed change in use of the mezzanine shall require prior review and action by the Planning and Zoning Commission.
- F. Changes to the parking lot shall be in conformance with the following plans, as required to be modified herein:
- Parking Study, Darien Y.M.C.A., by Environmental Design Associates, scale 1"=20', dated July 6, 2004 and last revised July 21, 2004, Dwg. Number: SK-1.(this plan shows both the lighting detail and the plant list).
  - Conceptual Site Drainage Plan, by McChord Engineering Associates, Inc., scale 1"=20', dated July 26, 2004 and last revised 7-26-04, Drawing No. SE1.
  - Conceptual Site Drainage and Soil and Erosion Control Plan, by McChord Engineering Associates, Inc., scale 1"=20', dated July 26, 2004 and last revised 8-20-04, Drawing No. SE1.
  - Construction Notes and Details, by McChord Engineering Associates, Inc., not to scale, dated August 17, 2004 and last revised 8-20-04, Drawing No. SE2.

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- G. The Commission hereby approves the requested 50 parking spaces. The Parking Study Plan shall be revised to:
- add a note that the existing stockade board/fence shall remain;
  - show all lighting on the perimeter of the property ten (10) feet high rather than twelve (12) feet high in order to minimize impacts on neighboring properties to the east;
  - locate an eight (8) foot high stockade/board fence 20 feet east of the extreme eastern row of parking.
- G. In order to minimize impacts to neighbors, the landscaping along the eastern side of the property (the fourteen trees—Red Sunset Maple, Norway Spruce and White Pine) and the eight-foot high stockade/board fence in that general location shall be installed *prior to the other changes and improvements to the parking area*. This will ensure that any impacts on neighbors to the east during the construction process are minimized to the greatest extent possible.
- H. The YMCA may find that after the required approvals for the second curb cut are obtained, they may wish to install the second curb cut prior to undertaking the other on-site parking lot changes. The installation of the second curb cut, and use of that curb cut may occur prior to the other changes being implemented.
- I. As a condition to this approval, and to the applicant's implementation thereof, all work on the expansion of the parking lot changes and improvements shall be completed prior to the issuance of a Certificate of Zoning Compliance and/or a Certificate of Occupancy for the new interior space as approved herein.
- J. As part of this application, a specific drainage plan was proposed. The YMCA shall continue the maintenance program that involves cleaning of the catch basins and infiltrator system at least three times per year. A final as-built certification from the project engineer shall be submitted once the required drainage has been installed.
- K. In order to minimize impacts of vehicles, vehicle lights, and noise, early arriving employees (arrivals prior to 8am) shall not then park on the parking areas closest to neighbors, both to the west and to the east. This will help minimize the potential impacts of vehicles, vehicles lights and noise on neighbors.
- L. As noted in the 1995 Stipulated Judgment, a traffic patrol officer shall be present during Special Events to direct traffic. This is due to the high likelihood of off-site parking for those events.
- M. The YMCA shall continue to make efforts to move large traffic generating programs and activities off-site. This will help alleviate congestion within the parking lot and reduce overall parking demand.
- N. It is the YMCA's responsibility to monitor programs and parking. They shall adjust their programs as necessary to minimize parking congestion and the use of off-site parking. The Commission strongly recommends that the YMCA better publicize to its members peak usage times of the building, and when large events and Special Events are scheduled to occur. This would allow members to understand peak periods of usage of the YMCA, and possibly adjust

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their schedules to use the YMCA at other times in order to minimize the need for on-street parking.

- O. As a condition to this approval of Applicant's request for modifications to its Special Permit, and to its implementation of these modifications, applicant promptly shall consult with an independent and properly licensed traffic and parking management engineer, and shall develop with that engineer a parking monitoring and program management plan (hereinafter the "Parking Plan"). This Parking Plan shall be submitted to the Director of Planning & Zoning within 90 days after the date of this resolution for his approval. The Plan shall be implemented for a period of at least two years following the date when all of the renovated facilities within Applicant's building shall have been put into use.
- P. The Parking Plan shall have as its purpose, design and objective the assurance that the programs and activities at Applicant's facilities, including but not limited to the activities and programs which make use of the newly upgraded and renovated areas within its building, do not result in parking demands that exceed the expanded parking space on its property, and do not result in members and program participants parking on the surrounding streets.

The Parking Plan should include in its provisions:

- i. the design and implementation of a regular procedure in the planning and scheduling of programs at Applicant's facilities which takes into account the parking demands of each program by measure of numbers of parking spaces and the duration of parking space use by participants, and coordinated in such a way as will prevent and avoid any periods when aggregate demand exceeds the existing parking capacity;
  - ii. the monitoring and logging of parking activity on and nearby Applicant's premises by and/or under the control of the independent traffic engineer on a reasonably frequent and comprehensive basis so as to observe demand at differing days of the week, seasons and times of day, and to do so with the objective of determining on a reliable basis, whether and to what extent Applicant's programs and schedules are or are not resulting in sufficient parking space on Applicant's property;
  - iii. the preparation of regular reports by the traffic engineer, no less frequently than once each calendar quarter during the aforesaid two year period, stating the extent to which the parking capacity has or has not been exceeded, including dates, times and durations, as well as any resulting overflow parking on nearby streets (copies of these reports shall each quarter be provided to the Planning & Zoning Director); and
  - iv. the regular review and prompt adjustment of Applicant's programs and activity schedules so as to reduce program parking demand to such extent as may be necessary to maintain the aggregate parking demand within the parking capacity on Applicant's property.
- Q. As a condition to this approval, and to Applicant's implementation thereof, it shall be Applicant's continuing responsibility and obligation, even after the two year period of monitoring and reporting is completed, to operate and schedule its programs and activities in a manner that maintains parking demand at levels that do not exceed the parking space on its own property, and does not result in parking which relates to its programs overflowing onto nearby streets, in particular onto Boston Post Road. In furtherance of this continuing obligation,

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Applicant shall regularly monitor the level of parking on or near its property and shall keep clear and legible records of its monitoring logs covering the current year and covering a period of at least the two preceding years. These shall be available for inspection by the Planning & Zoning Director during normal business hours.

- R. The applicant shall support an application to the appropriate State and municipal authorities seeking no on-street parking on Boston Post Road in the vicinity of the YMCA except for during certain Special Events.
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- S. Sediment and erosion controls including, but not limited to the anti-tracking pad shown for the new curb cut, and a row of silt fence near the east side of the property, shall be installed to properly manage storm water runoff and to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- T. All other conditions, stipulations, and requirements of all prior Special Permits, including Special Permit #66-I and including the Stipulated Judgment shall remain in full force and effect.
- U. The granting of this Permit does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to, approval for a new curb cut approval from the State of Connecticut DOT, State Traffic Commission, and possibly the Darien Police Department. If the State of Connecticut DOT or the State Traffic Commission does not approve the curb cut in the proposed location, the applicant shall return to the Planning & Zoning Commission for any changes to the plan. A copy of all applicable approvals shall be submitted to the Planning & Zoning Department.
- V. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- W. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (January 10, 2006). This may be extended as per Section 1009.
- X. All provisions and details of the plan, *as required to be revised herein*, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials, including the submission of revised plans and the filing of a Special Permit form in the Darien Land Records, shall be done within 60 days of this action in order to finalize this approval or this approval shall become null and void.

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Because of the poor weather conditions, Mr. Damanti skipped over the SWRPA agenda item, and moved quickly to the 2005 Town Plan of Conservation & Development.

**2005 Town Plan of Conservation & Development**

Discussion regarding:

- Revised draft of Vision (Chapter 1)
- Revised draft of the Demographics Chapter (Chapter 2) and Appendix.
- Revised draft of the Public Facilities & Services Chapter (Chapter 8) and Appendix.
- Timeline for completion.
- Whether Commission wants Fiscal Conditions included in the Plan.
- Issues related to high school photography class taking photos for Plan.

Mr. Damanti stated that if anyone had any comments on the draft plan or timeline, to please give comments to Mr. Ginsberg.

**Any Other Business (requires two-thirds vote of Commission)**

A brief discussion was held regarding subject of Procaccini property and what the P & Z Commission's feelings were as to whether the Town of Darien should or shouldn't purchase it, and whether the Commission should get involved in stating what the Town should or should not do financially, or what to buy or not buy. Most Commission members believed that the land should be purchased as this was consistent with the 1995 Town Plan to acquire available property for town use. A question was raised as to whether Commission should write a letter to the newspapers from the entire Commission. Further discussion of this item may be held at a future meeting.

There being no other business, the meeting was adjourned at 9:30 PM.

Respectfully Submitted,

Jeremy B. Ginsberg  
Planning & Zoning Director

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